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Attorneys for Plaintiffs/Counter-Defendants  
LARGO CONCRETE, INC. and N.M.N.  
CONSTRUCTION, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

LARGO CONCRETE, INC., a California  
Corporation; N.M.N. CONSTRUCTION,  
INC., a California Corporation.

Plaintiffs,

v.

LIBERTY MUTUAL FIRE  
INSURANCE COMPANY, a  
Massachusetts Corporation, and DOES 1  
through 100, inclusive.

Defendants.

AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)  
*The Hon. Charles R. Breyer*

**DECLARATION OF NICHOLAS P.  
ROXBOROUGH, ESQ. IN  
SUPPORT OF STIPULATION AND  
[PROPOSED] ORDER  
CONTINUING CASE  
MANAGEMENT CONFERENCE  
AND RELATED DEADLINES**

Complaint filed: September 10, 2007

I, NICHOLAS P. ROXBOROUGH, declare as follows:

1. I am an attorney licensed to practice law in the state of California and am admitted before this Court. I am a founding partner of Roxborough, Pomerance & Nye LLP, attorneys of record for the plaintiff Largo Concrete, Inc., and plaintiff and counter-defendant N.M.N. Construction, Inc. (collectively "Plaintiffs"). I have personal knowledge of the facts set forth below and, if called and sworn as a witness, could and would testify competently thereto.

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2. On October 23, 2007, Liberty filed a Motion to Disqualify Roxborough, Pomerance & Nye, LLP from representing Largo in this matter.

3. A hearing was held in this Court on Liberty's motion on December 21, 2007.

4. The Court filed its Order granting Liberty's motion on January 2, 2008.

5. January 11, 2008 is the last day for the parties to meet and confer regarding their initial disclosures, early settlement, ADR process selection, and discovery plan, and file a Joint ADR Certification.

6. January 25, 2008 is the last day for the parties to file their Rule 26(f) Report, complete initial disclosures, and file a Case Management Statement.

7. The Initial Case Management Conference is currently scheduled to take place on February 1, 2008 at 10:00 a.m. in Courtroom 8 of this Court.

8. Largo has been unavailable and only received the Court's Order on January 8, 2008, and therefore requires additional time to address the contents and implications of the Court's Order prior to engaging in the required meet and confer process under Rule 26.

I declare under perjury, pursuant to the laws of the United States of America, that the foregoing is true and correct.

Executed this 9th day of January, 2008 at Woodland Hills, California.

  
NICHOLAS P. ROXBOROUGH

**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  ) ss  
COUNTY OF LOS ANGELES    )

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 5820 Canoga Avenue, Suite 250, Woodland Hills, California 91367.

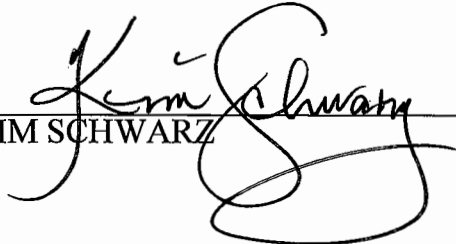
On **January 9, 2008**, I served the foregoing documents described as **DECLARATION OF NICHOLAS P. ROXBOROUGH, ESQ. IN SUPPORT OF STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Frank Falzetta, Esq.  
Scott Sveslosky, Esq.  
**SHEPPARD MULLIN RICHTER &  
HAMPTON LLP**  
333 South Hope Street, 48<sup>th</sup> Floor  
Los Angeles, CA 90071-1448  
Tel: (213) 620-1780 | Fax: (213) 620-1398  
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**ATTORNEYS FOR DEFENDANT**  
**LIBERTY MUTUAL FIRE INSURANCE  
COMPANY**

- ☒ **BY ELECTRONIC MAIL:** I caused such documents listed above to be transmitted via e-mail to each of the parties on the attached service list at the e-mail address as last given by that person on any document which he or she has filed in this action and served upon this office.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the offices of the each addressee(s).
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **January 9, 2008**, at Woodland Hills, California.

  
KIM SCHWARZ